

## **REMARKS**

Claims 1-4 remain in the application. Claims 1-4 have been amended. A version with markings to show changes made follows page 9 of this Amendment and Response. Claims 5-8 have been added. Reconsideration of this application, as amended, is respectfully requested.

Claim 1 has been amended to indicate that the hand-held analyte test instrument includes a user interface capable of activating the barcode reader. Support for this amendment can be found at page 6, lines 4-6 of the specification. Claim 2 has been amended to indicate that the hand-held analyte test instrument includes a user interface capable of allowing an operator to enter data. Claim 2 has been further amended to indicate that the hand-held analyte test instrument includes a barcode reader disposed in the housing for scanning a barcode associated with a test strip configured to receive an analyte. Support for these amendments can be found at page 6, lines 4-6 of the specification. Claim 3 has been amended to indicate that the docking station is configured to pass data to said first data port when the docking station is in a default condition. Support for this amendment can be found at page 10, lines 1-6 of the specification. Claim 4 has been amended to indicate that the analyte test instrument includes a test strip port, which accepts test strips for determining the level of analyte in a sample taken from a patient. Support for this amendment can be found at page 7, lines 5-7 of the specification. Support for new claim 5 can be found at page 6, lines 4-6 of the specification. Support for new claim 6 can be found at page 6, lines 4-6 of the specification. Support for new claim 7 can be found at page 9, lines 23-24 of the specification.

Claim 1 was rejected under 35 U. S. C. § 102 (b) as being anticipated by Böcker et al. (US 5,507,288). This rejection is respectfully traversed for the following reasons.

Böcker et al., U. S. Patent No. 5,507,288 (hereinafter "Böcker et al."), discloses an integrated analysis-element/sensor system IASS comprising a sensor unit borne on the body of a patient and a central unit linked with the

sensor unit by wireless data transmission. The central unit comprises the typical features of an evaluation instrument commonly used in element-analysis systems. It serves to evaluate an analysis-element in the form of a glucose test strip with a base layer and a test zone. For evaluation, the analysis-element is inserted into test duct located beneath a flap of the device. A keypad is provided to operate the central unit. A display serves as information output, in particular to display analytical data. An evaluation curve may be permanently stored in the central unit. Preferably, a separate, batch-specific evaluation curve is used for each new manufactured batch of analysis-elements and is transmitted to the central unit by means of a suitable data medium in machine-readable form. For that purpose, the central unit comprises a data reader, e.g., a barcode reader, to read a barcode affixed to the analysis-element itself or to an additional code carrier. The barcode is included in each pack of analysis-elements and contains the batch-specific evaluation curve.

Claim 1, as amended, further includes a user interface capable of activating the barcode reader. Conversely, if the barcode reader is not activated, the user interface allows the user to avoid the use of the barcode reader. Under certain conditions, it may be desirable to inactivate the barcode reader and rely on manual entry of data from a keypad associated with the user interface. The central unit 3 described in Böcker et al. does not have a user interface capable of activating (or, by implication, inactivating) a barcode reader. The barcode reader 28 of the control unit 3 described in Böcker et al. does not have the capability of being inactivated so that the user can enter data manually. In view of the foregoing, it is submitted that Böcker et al. does not anticipate claim 1, as amended.

Claim 3 was rejected under 35 U. S. C. § 102 (b) as being anticipated by Davis (US 5,502,943). This rejection is respectfully traversed for the following reasons.

Davis, U. S. patent No. 5,502,943 (hereinafter "Davis"), discloses a dock apparatus for receiving of portable, hand-held data retrieval devices to allow recharging of internal batteries and data communication with centralized

computer systems. A frame having electrical contact elements at its inner end receives the hand-held device, which at its lower end is provided with electrical contact pads which engage the contact elements of the receiving frame when the hand-held device is fully inserted in the frame. Detents within the frame engage mating indentations in the hand-held device. The dock frames may be ganged in plural arrangements.

Claim 3, as amended, specifies that the docking station is configured to pass data between the analyte test instrument and the first data port when the docking station is in a default condition. Davis does not disclose or suggest such a configuration when the docking station described therein is in the default condition. For this reason, it is submitted that Davis does not anticipate claim 3, as amended.

Claim 4 was rejected under 35 U. S. C. § 102 (b) as being anticipated by Severt et al. (US 5,511,108). This rejection is respectfully traversed for the following reasons.

Severt et al., U. S. Patent No. 5,511,108 (hereinafter "Severt et al."), discloses a method of communicating between a central computer and a field service computer. The method comprises the steps of:

Providing a field service computer programmed to store and communicate information related to the location of equipment which is to be tested;

Providing a keyboard, coupled to the administrative computer, permitting user input to the administrative computer;

Providing a testing apparatus operable under control of the administrative computer, the testing apparatus configured to test a field device needing service and to obtain data indicating values of a plurality of electrical parameters of the equipment which is to be tested;

Providing a memory for storing information coupled to the testing apparatus;

Providing a data transfer apparatus coupled between the memory and the testing apparatus for transferring information into the memory from the testing

apparatus, in the absence of manually inputting the information using the keyboard;

Transmitting first administrative information from said central computer to said field service computer over a radio data link, said first administrative information including at least information relating to the location of a field device needing service;

Testing said field device with said testing apparatus and storing test data in said field service computer; and

Transmitting second administrative information from said field service computer to said central computer over a radio data link, said second administrative information including at least information relating to servicing of said field device.

Claim 4, as amended, requires that each of said analyte test instruments including a test strip port, which accepts test strips for determining the level of analyte in a sample taken from a patient. Severt et al. does not disclose or suggest a test strip port. Severt et al. is totally concerned with electrical equipment, such as communications equipment. The art of communications equipment is not analogous to the art of analyte testing via test strips. For this reason, Severt et al. does anticipate claim 4, as amended.

Claim 2 was rejected under 35 U. S. C. § 103 (a) as being unpatentable over Böcker (US 5,507,288) in view of Cargin Jr. et al. (US 5,602,456).

Cargin Jr. et al., U. S. Patent No. 5,602,456 (hereinafter "Cargin Jr. et al."), discloses a battery pack system for providing rechargeable battery power for a portable data collection terminal and for enabling recharging while received in power supplying relation to such a terminal.

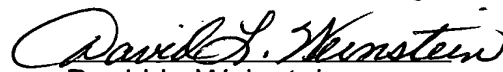
Claim 2, as amended, now requires that the analyte test instrument have a user interface capable of allowing an operator to enter data. Claim 2, as amended, further requires that the analyte test instrument include a barcode reader disposed in the housing for scanning a barcode associated with a test strip configured to receive an analyte. Böcker discloses a barcode reader. Cargin Jr. et al. discloses a user interface capable of allowing an operator to

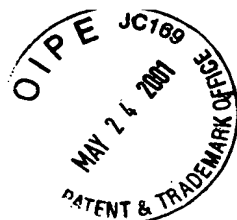
enter data. Neither Böcker nor Cargin Jr. et al. discloses or suggests an analyte test instrument having both a user interface capable of allowing an operator to enter data and a barcode reader disposed in the housing for scanning a barcode associated with a test strip configured to receive an analyte. Moreover, neither Böcker nor Cargin Jr. et al. contains a suggestion to combine (1) a barcode reader disposed in the housing for scanning a barcode associated with a test strip configured to receive an analyte and (2) a user interface capable of allowing an operator to enter data in an analyte test instrument. Accordingly, the combination of Böcker and Cargin Jr. et al. is improper and cannot render claim 2 obvious to one of ordinary skill in the art.

In view of the foregoing, it is submitted that claims 1-8 are in condition for allowance, and official Notice of Allowance is respectfully requested.

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

1. (Once amended) A hand-held analyte test instrument comprising:
  - a housing;
  - a barcode reader disposed in the housing for scanning a barcode associated with a test strip configured to receive an analyte;
    - a user interface capable of activating said barcode reader;
  - a port disposed in the housing for receiving the test strip;
  - electronic circuitry in electrical communication with the port for processing an analyte signal received from the test strip and generating analyte data therefrom;
  - a display in electrical communication with the circuitry for displaying certain analyte data; and
  - a connector in electrical communication with the circuitry and electrically connectable to a host computer via a data communications network, wherein the circuitry automatically uploads the analyte data to the host computer upon connection thereto.
  
2. (Once amended) A hand-held analyte test instrument comprising:
  - a housing;
  - a port disposed in the housing for receiving a test strip configured to receive an analyte;
  - a barcode reader disposed in the housing for scanning a barcode associated with a test strip configured to receive an analyte;
  - a user interface capable of allowing an operator to enter data;

electronic circuitry in electrical communication with the port for processing an analyte signal received from the test strip and generating analyte data therefrom;

a display in electrical communication with the circuitry for displaying certain analyte data;

a connector in electrical communication with the circuitry and electrically connectable to a power source; [and]

a battery compartment formed in the housing and comprising a pair of electrical contacts for providing power from a battery to the electronic circuitry and a pair of recharge contacts; and

a rechargeable battery pack disposed in the battery compartment and comprising (1) a rechargeable battery and (2) a battery holder in which the rechargeable battery is disposed, a bus bar disposed on the battery holder and in electrical communication with the pair of recharge contacts for recharging the battery when the instrument is connected to the power source .

3. (Once amended) A docking station for receiving a hand-held analyte test instrument, the docking station comprising:

a connector electrically connectable to the instrument for receiving analyte data therefrom;

a switch in electrical communication with the connector;

a first data port in electrical communication with the switch and being electrically connectable to a computer;

a second data port in electrical communication with the switch and being electrically connectable to a peripheral device; and

a control mechanism for controlling the switch to selectively pass the analyte data to the computer via the first data port or to the peripheral device via the second data port ; said docking station being configured to pass data between said analyte test instrument and said first data port when said docking station is in a default condition.

4. (Once amended) A method of managing data for a plurality of analyte test instruments connected to a data communication network comprising the steps of:

detecting via a host computer the connection of each analyte test instrument to the data communication network, each of said analyte test instruments including a test strip port, which accepts test strips for determining the level of analyte in a sample taken from a patient;

uploading data received from each instrument to the host computer; and processing the uploaded data on the host computer for operator review; and downloading configuration data from the host computer to each analyte test instrument, the downloaded data comprising instrument-specific setup and control data.